IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Yogesh. Versus State of Rajasthan.

S.B. Criminal Misc. Petition No. 1503/2006
for quashing the FIR No.42/2006, Police
Station, Mahila Thana, Pali.

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Date of Order: November 24, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Sandeep Mehta, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.
Mr. Vineet Jain, for non-petitioner No.2.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter), the petitioner seeks quashing of FIR No. 42/2006, Police Station, Mahila Thana, Pali, for the offences Sections 498-A, 406 and 120-B, IPC.

I have heard learned counsel for the parties and perused the documents available on record.

Complainant/non-petitioner No.2 Smt. Neelam herself appeared before the Court and filed an application supported by her affidavit. She has been identified by her counsel Mr. Vineet Jain. In the application, the complainant/non-petitioner No.2, as also on being asked, she stated that due to

intervention of respectful members of the society, the parties have amicably settled their dispute; she has received her "Istridhan" from the petitioner and now there remains no dispute between the parties, therefore, she does not want to pursue the criminal proceedings launched by her against the petitioner.

In view of the contents of the application and the oral statement of the complainant/non-petitioner, as the parties have amicably settled the dispute, the complainant has received her "Istridhan" and does not wish to pursue the criminal proceedings launched by her against the petitioner, in my view, as the parties have amicably settled the dispute, no evidence is likely to come against the petitioner. Therefore, no useful purpose would be served in allowing the criminal proceedings to continue against the petitioner.

In B.S. Joshi & ors. Vs. State of Haryana & Anr., 2003 SCC (Cri.) 848, the Hon'ble Supreme Court held that if for the purpose of securing the ends of justice, quashing of FIR becomes necessary, Section 320 Cr.P.C. would not be a bar to the exercise of power of quashing the FIR. The Apex Court further observed that the High Court, in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 Cr.P.C. does not limit or affect the powers under Section 482 Cr.P.C. It was further held that non-exercise of inherent power to quash the proceedings to meet the ends of

justice would prevent women from settling earlier and that is not the object of Chapter XX-A of the IPC.

Keeping in view the decision of the Hon'ble Supreme Court in B.S. Joshi & Anr. Vs. State of Haryana (supra) and the application supported by the affidavit of complainant/non-petitioner No.2 and her oral statement, in my view, no useful purpose would be served to allow the criminal proceedings to go on for the reason that neither the complainant/non-petitioner No.2 nor her witnesses are going to support the complaint filed by her and, therefore, the trial would be a mere formality. In the circumstances, therefore, it is not expedient in the interest of justice to permit the prosecution launched by the complainant/non-petitioner No. 2 to continue because it would be an abuse of the process of the Court and even if the proceedings are allowed to go on, the ultimate end is bound to be dismissal of the complaint or the prosecution case.

Consequently, the miscellaneous petition is allowed. The FIR No. 42/2006, Police Station, Mahila Thana, Pali for the offences under Sections 498-A, 406 and 120-B, IPC, lodged by the complainant/non-petitioner No.2 against the petitioner is quashed and the petitioner is discharged of the aforesaid offences.

(H.R. PANWAR), J.

mcs